

City Council
Transportation
Subcommittee
Meeting Minutes

Date/Time: Thursday, April 28, 2005

Where: Milpitas City Hall, Committee Conference Room

Attendants: Mayor Jose Esteves, Vice Mayor Armando Gomez, Mike McNeely, Joe Oliva, Janice Nadal, Tambri Heyden, Jaime Rodriguez

1. Call to Order

- The Transportation Subcommittee (Subcommittee) meeting was called to order at 5:30 pm.

2. Pledge of Allegiance

3. Public Forum

- *Rob Means, 1421 Yellowstone.* Mr. Means shared a copy of email testimonial excerpts regarding magnetic-force transportation system called LEVX, www.levx.com.

4. Approval of March Meeting Minutes*

- The Transportation Subcommittee approved the March meeting minutes.

5. BART Montague Aerial Station Update*

- Staff member Greg Armendariz introduced members of VTA staff present in the audience to listen to City staff's presentation and are available to answer questions regarding BART: Mark Robinson-VTA Station Design Manager, Steve Whitaker-Line Segment Manager, Kevin Connolly-VTA Planning, John Donohue, Line Segment Group Manager, Marian Lee- Skowroneck, VTA Planning, Hassan Basma, VTA Engineering for Stations.

Montague Aerial Option PowerPoint Presentation

- Staff Tambri Heyden reviewed a PowerPoint presentation on the Montague Aerial Station Update. A detailed description of the following designs were presented:
 - Montague Station Retained Cut designs, as approved during the BART to Milpitas, San Jose, Santa Clara environmental review process
 - The City of Milpitas Montague Design recommendation, also included in the environmental review process
 - A revised Montague/Capitol Station Plan Concept prepared by City staff which includes recommended concepts. Two designs were presented showing the options of a parking structure south or a structure north. The VTA adopted the concept of extending Milpitas Boulevard through to Capitol Avenue.
 - The VTA proposed Montague/Capitol Aerial Alignment Concept designs were reviewed showing cross sections of the alignment as well as before and after images at the Great Mall and on Capitol Avenue. In order for the BART aerial alignment to cross under the existing VTA Light Rail, Capitol Avenue must be depressed approximately 12 ft. The aerial alignment was identified as a Value Engineering savings by the VTA.

- In addition, a visual simulation of the VTA proposed Montague Aerial alignment was played.

Discussion on PowerPoint Presentation

- Vice Mayor Gomez asked why it is cheaper for an aerial structure. Mr. Armendariz stated the City has not yet received this information from the VTA. To Mr. Armendariz' understanding the area is burdened with a brown field from the old Jones Chemical building. To mitigate for this in order to install the retained-cut BART line, would be costly.
- Vice Mayor asked about the impact on utilities. Mr. Armendariz said there is a 10-inch diameter gas line near the rail line that would not be impacted with the aerial option.
- VTA Staff Steve Whitaker stated there are savings at the station with the center platform, by having one platform. There is no installation of a smoke-exhaustion system with an aerial option. Mr. Whitaker said the details in the cost-savings will be presented to staff next week.
- Mayor Esteves asked what percentage of the cost savings overall if the Montague Station is aerial. Mr. Whitaker stated it is there is 10% savings on track construction on the aerial alternative compared to the original retained cut proposal in the approved EIT. Including the cost of the aerial station versus underground station reduces the cost savings down to 8%. Cost details are to be provided to City staff for review.
 - Mayor Esteves stated the drawback of the area is the noise, as adjacent properties can hear the BART train coming. Mayor Esteves asked what the mitigation is for noise. Mr. Whitaker said the VTA is obligated to mitigate for noise. Without the project, the ambient noise levels today is 62 decibels. With the project, the noise levels will rise to 77 decibels, which would need to be mitigated to 66 decibels by building a 4-foot wall on the aerial guideway to reduce the noise levels. Staff Jaime Rodriguez clarified that the mitigated 66 decibels discussed is an average over a 24-hour period and that there is still a peak episodic noise level once the train passes. When the train passes even with a 4-ft wall the peak decibel level when the train passes is still 77. Steve Whitaker added that if a 5-ft wall is constructed along the aerial guideway that the peak episode decibel level would drop to 75 and the 24-hour average decibel level would drop to 65. Staff Mr. McNeely referred to the City staff memorandum that the City would recommend a 65 decibel allowance with a 5 foot wall. The peak decibel is 75; with a retaining wall the peak decibel would be 74.

City Memorandum Presentation

- Ms Heyden reviewed the City staff memorandum detailing staff's analysis on the new station proposal. The following impacts were discussed:
 - Visual impacts affecting design and City image;
 - Economic impacts to residential land values, costs passed onto the City over time, redevelopment timing with BART construction, and the urban interchange project;
 - Noise impacts which include the following:
 - Noise mitigation/physical buffer needed at Piper Avenue,
 - CNEL Noise measurement/episodic noise impacts

- Urban Design/Quality of life comparison of retained cut associated station vs. aerial station
- Ms Heyden stated a storm drain pump station would be need to be constructed on Capitol Avenue and that the City would need to operate & maintain the new pump station. Vice Mayor asked why. Mr. Armendariz stated it becomes a City burden because it is part of the City street right-of way. The City would want control over this. There are over 13 pump stations within the City; those are maintenance-intensive and require both electrical power and gas. However, during a power outage, the storm drain pumps would require a back up generator. These need to be run monthly even during the non-rainy season. It would be about \$0.5 million dollars of present worth to the City. One recommendation is to address this issue early on and coordinate with the VTA.
- Ms. Heyden discussed the acquisition of the Kunde parcel. The VTA site plan proposal identifies the bus transit center to be located on the small irregular-shaped parcel. The remainder of the parcel will remain vacant for a long period of time, without maintenance, creating an eyesore to the City due to it becoming unattractive to development due to limited access alternatives.
- Ms. Heyden reviewed some of the unknowns such as the fiscal impact study has not been completed or presented to the City, cost of mitigation has not been verified to staff for review and staff does not know if there are mitigation measures that have not been factored. Other impacts include the Crossings at Montague apartments, a stormwater retention area, and the acquisition of land.
- Ms Heyden noted the Montague Aerial Station was mentioned at the March Planning Commission in relation to the Transit Area Plan. The Planning Commission took a separate vote on the Montague Aerial Station where they took position to not support the VTA initiated aerial station design alternative at that time.
- The BART Milpitas Community Work Group (CWG) and a public meeting was held on April 25 to discuss the aerial option
 - In summary, Ms. Heyden stated some CWG members supported the parking structure on the south side of Milpitas Blvd. extension to not impede with a negative impact on the visual on Montague Expressway.
 - Most questions from CWG members were general in relation to not enough or clear information in regards to the aerial option.
 - There were a few individuals that did support the aerial structure and others that felt they should not approve it as the impacts on the city as a whole.
 - The public meeting, after the CWG meeting, was attended by 12 people. At the meeting there were concerns about cost savings, pedestrian access, spur line comments (as it affects the development of the Waukesha area), visual impacts, and overall funding comments.. There were no definitive recommendations as many supported and rejected the option.
- Upcoming schedule of events for the Montague Aerial Station design option:
 - Presentation and recommendation to the Planning Commission- May 11
 - City Council to approve final recommendation- May 17
 - BART Policy Advisory Board- May 25
- Ms. Heyden stated given the information at this time, staff's recommendation is there is not enough information about the \$28 M cost savings and mitigation measures. City staff is not prepared to support the aerial design, given what information is available to City staff at this time. City staff is open to the option provided there more information. City staff feels there are serious consequences with the aerial design.

City Memorandum Discussion

- Vice Mayor Gomez asked if there were any current BART Stations with an aerial alignment that successfully incorporated residential. Ms. Heyden stated the Fruitvale has rental residential and Hayward has a 21-25 dwelling units per acre close to an aerial alignment.
- Mayor Esteves asked if there are other stations in Santa Clara County that is designed to be aerial? Mr. Whitaker stated the Berryessa station in San Jose and the Santa Clara station will be at-grade.
- Mayor Esteves' stated his concern because the area is planned for the City to be a very pedestrian oriented area with tall buildings, high density housing development. He has not seen a scenario where there is a populated area and BART is aerial and requested an example.. Mr. Whitaker stated Pleasant Hill and Walnut Creek are examples. Walnut Creek has 80-90 dwelling units per acre, but there are also 20,000 employees within ¼ mile. Mayor Esteves' concern is to have less structure aerial especially because there is the light rail and the peak for the noise will be higher than 75. Mayor Esteves states there are already complaints from Bridge Housing (Monte Vista apartments) about the Light Rail traveling by.
- For Mayor Esteves, 10% cost savings, assuming figures are accurate, does not really warrant because it is not significant savings compared to the impact to the environment. He says the VTA is introducing 100% impact from retained-cut to aerial. If the savings were 50-60%, maybe it would be worth it because of the balance of the impact. With 10%, plus the long-term loss of the City, Mayor Esteves does not know if it would be worth the change. Mayor Esteves is not impressed with 10% savings. As a simple analogy, Mayor Esteves stated he would not change his whole house for 10% savings. It is a radical change in terms of the uplift of the environment.. Mr. Rodriguez added that the stations in Berryessa and Santa Clara are enclosed. Mr. Whitaker corrected the graphic shown will be open like Milpitas.
- Mayor Esteves is concerned with all the points staff listed in the memorandum. He would like to look into those closely, because they are serious concerns.
- Vice Mayor Gomez asked why there are no aerial options downtown- is it because the width of the buildings cannot support an aerial design? Mr. Whitaker says that it is possible, however the cost differential in that specific area significantly reduces.
- Vice Mayor Gomez said this is an issue of preference. Vice Mayor Gomez said he would prefer the retained-cut as opposed to aerial regardless of the cost savings.
- Mayor Esteves asked if the VTA staff would like to speak about the aerial option, hearing City staff comments, and address the items listed in the memorandum. Mr. Whitaker said, in general, there is a lot of common ground between VTA and City staff. Our goals are similar; we both share the desire to have the BART to the County and serving the community with this regional project is very important to the VTA and the City. We want to see a smart station design, a lot of development around our stations and connectivity with light rail, busses, and high density housing. We share in that vision and spirit and a lot of cooperation is going on. The differences in opinion do exist and how best to achieve these common goals. From the project perspective, we can not overstate the importance of getting this project to be fundable. We have partners in the FTA and State that we need to impress upon them that we can build this project at a reduced cost to encourage them to participate in this project. That is the purpose of the value engineering. There are about a dozen proposals that the VTA are asking for compromises from all cities involved. The

importance of getting the region to appreciate the critical point the VTA is at to bring this project in, to bring cost down, to make it more palatable for the state, FTA, and community.

- Vice Mayor Gomez asked what the lower cost goal of the VTA. Mr. Whitaker stated something less than \$4.2 billion dollars. With the 12 proposals of value engineering approved, a cost reduction of \$100-150 million dollars less, would impress the state and FTA. Mr. Whitaker adds that he appreciates the City identifying the things that come with BART and he desire to maximize the land use values and tax increments, but the potential is provided by bringing this project to the City. This City will reap lots of benefits, providing profits to developers. When you get down to 5-10% cost savings, you are talking less in the way of difference in potential change the fact that BART is being in the City and what it is bringing to the City and developers increased values overshadows what we have been touching here in ways of increments and changes. Truly, VTA is here to work with the City. Mr. Whitaker states the VTA has ongoing meetings lined-up with stakeholders and key interests in the area. The VTA has met with the Crossings and will work with them again. The VTA appreciates that this is a fairly dramatic proposal.

Public Comment

- Mr. Ed Connor, *1515 N. Milpitas Blvd.*, Mr. Connor said once you go underground you have a water problem. Montreal, Canada is the best underground system for terminals. The point for this location with housing coming in (the Waukesha housing development), is if the VTA put ramps from the second floor of the facilities to the ramp overhead to keep the congestion off the street, making BART more accessible for the people in these house. That's the real question. Thank you.
- Frank Deschmidt, *Milpitas Chamber of Commerce*, attended the April 25th BART public meeting. Mr. Deschmidt requested clarification from the April 25 meeting about reducing Capitol south from 3 to 2 lanes should the alignment become aerial. Mr. Whitaker clarified that during construction, we need to reduce that side of the street from 3 to 2 lanes, not permanently.

End of Public Comment

Transportation Subcommittee Discussion

- Vice Mayor Gomez thinks if it would be beneficial to be fair to the VTA and allow them to do the outreach and let staff solve some questions to the unknowns and then through recommendation find out some of these unknowns.
- Mayor Esteves asked to repeat the recommendation. Ms. Heyden stated given the information City staff has, staff does not think the aerial station outweighs the long-term benefits to the City with the retained cut as proven in the EIR. Ms. Heyden said staff has asked for information that hasn't been forthcoming yet; but a definitive recommendation by the City to the VTA must be by early May.
- Mayor Esteves asked if the information will be available by the May 17th city council meeting. Mr. Armendariz said it is staff's intent to be meeting with VTA in the next coming weeks to obtain additional info and be making a similar presentation to the Council.
- Mr. Armendariz also pointed out the Dixon Landing Road alternative option was presented at the March Transportation Subcommittee meeting. The City is favorable to the cost savings by making a change where Dixon Landing Road would go underneath and BART at-grade, providing a \$7 million savings (John Donohue, VTA

Staff clarified a \$7 million dollar savings whereas Mr. Armendariz heard earlier the savings was \$10 million). BART at-grade would eliminate the noise by the freight trains in the middle of the night as it has been expressed by the community members.

- Mayor Esteves requested any further comments. *There were no further comments from City or VTA staff.*
- Mayor Esteves requested a motion to approve staff's recommendation to not support the VTA proposed aerial BART station and track alternative at this time and to request and to wait for the VTA to provide additional cost-savings information so that a recommendation to the City Council could be made. Vice Mayor Gomez agreed.
- Mayor Esteves concluded by asking the VTA staff to give the City as much information City staff can give the City Council a better recommendation to make a decision. He would like as much information in order to support the VTA's position. The May 17th City Council meeting is a critical meeting as it is the final decision making body of the City of Milpitas.
- Mayor Esteves thanked the VTA for attending the Transportation Subcommittee meeting and showed support of the BART project as City and VTA continue to work together.
- Mr. Armendariz reiterated the Dixon Landing recommendation will be on the May 3rd City Council meeting and the Montague aerial station recommendation will be on the May 17th City Council agenda. .

6. Other Business

There was no items discussed.

7. Set Time and Date for Next Meeting- Thursday, May 26, 2005, 5:30 pm

8. Adjournment

- The meeting was adjourned at 6:35pm.